

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARC BAIN RASELLA, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ELON R. MUSK and ELON MUSK  
REVOCABLE TRUST DATED JULY 22, 2003,

Defendants.

No. 1:22-cv-03026-ALC-GWG

**NOTICE OF MOTION TO DISMISS THE COMPLAINT ON BEHALF OF  
ELON MUSK AND ELON MUSK REVOCABLE TRUST DATED JULY 22, 2003**

PLEASE TAKE NOTICE that, upon the Complaint, filed November 21, 2022 (ECF No. 33), the Memorandum of Law dated January 30, 2023, and upon all prior papers and proceedings herein, Defendants Elon Musk and Elon Musk Revocable Trust Dated July 22, 2003 (“Defendants”) will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and at a time designated by the Court, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and the Private Securities Litigation Reform Act of 1995, for an Order dismissing the claims against Defendants in its entirety, with prejudice, and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court-ordered briefing schedule (ECF No. 38) entered December 30, 2022, Plaintiffs’ memorandum of law in opposition, if any, must be served on the undersigned counsel by March 31, 2022.

DATED: New York, New York  
January 30, 2023

Respectfully submitted,

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

/s/ Alex Spiro

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*Attorneys for Defendants*